

AN ORDINANCE TO AMEND SECTION 21-230 OF CHAPTER 21, ZONING OF THE CODE OF THE TOWN OF ASHLAND, VIRGINIA BY RE-TITLING AND REORGANIZING CURRENT ARTICLE XXIII, LANDSCAPING.

BE IT ORDAINED by the Council of the Town of Ashland, Virginia that Section 21-230 of Chapter 21, Zoning of the Code of the Town of Ashland be amended by the re-titling and reorganizing of current Article XXIII, Landscaping, to consolidate all landscaping and related provisions that are applicable throughout most, if not all, zoning districts to read:

ARTICLE XXIII. LANDSCAPING

Sec 21-230. Intent and applicability.

- (a) *Intent.* Pursuant to the general purpose of this chapter set forth in article I, the intent of this article is to establish regulations and standards for the preservation and planting of trees, the provision of other landscaping features and the provision of buffers and screening, in order to:
- (1) Aid in the prevention of erosion and sedimentation;
 - (2) Reduce storm water runoff and the costs associated therewith;
 - (3) Aid in the removal of carbon dioxide from the atmosphere and in the generation of oxygen and in the filtration of air pollutants;
 - (4) Preserve the water table and provide for reforestation;
 - (5) Provide shade in summer, thus reducing air conditioning costs, and provide windbreaks in winter as protection against severe weather;
 - (6) Aid in the control of drainage and the restoration of denuded soil subsequent to construction and grading;
 - (7) Protect and enhance property values;
 - (8) Protect and enhance the physical and aesthetic environment of the Town as a whole;
 - (9) Provide, where applicable, visual screening and sound abatement, and generally enhance compatibility between land uses;
 - (10) Generally protect and enhance the quality of life and the general welfare of the Town.
 - (11) *Minimize the effect of heat islands.*

(12) Provide residents with a possible seating area or resting point between destinations.

- (b) Applicability. The provisions of this article shall apply to new development, redevelopment and expansion or modification of existing development in such districts and for such uses as specified in the sections of this article setting forth particular requirements. In the case of expansion or modification of development existing at the effective date of the article, the requirements of article XVIII, Nonconforming Uses and Features, shall apply, unless specifically stated to the contrary elsewhere in this article.
- (c) Development Guidelines Handbook. The Town's *Development Guidelines Handbook* shall, with regard to the provisions of this article and other provisions of this chapter, be adopted as policy by the Town Council, after review and recommendation of the Planning Commission, and shall be for the purpose of providing guidelines, examples and illustrations of means and, in some cases, alternative means of satisfying the standards and requirements set forth in this article or elsewhere in this chapter. In any case where the guidelines, examples or illustrations contained in such handbook are in conflict with any specific standard or requirement of this chapter, the latter shall prevail.

Sec. 21-231. Landscape plan.

- (a) When required. A landscape plan submitted in accordance with the provisions of this section and approved by the zoning administrator shall be required for any use and for any development for which a site plan is required by section 21-185 of this chapter, provided that a single-family detached dwelling on an individual lot and its accessory structures and uses shall not require a landscape plan unless such plan is required as a component of the plan of development process under the provisions of sections 4.1-211 or 4.1-406 of chapter 4.1 the Town code pertaining to Environmental Protection.
- (b) Preparation and submission. The landscape plan shall be prepared by a landscape architect or other qualified person. The landscape plan shall be a component of the site plan required by section 21-185 of this chapter, shall be prepared in accordance with the specifications for site plans contained in section 21-183 of this chapter, and shall be submitted to the zoning administrator. Prior to submission of the landscape plan, the applicant shall participate in a pre-application meeting with the zoning administrator to discuss the applicable requirements of this chapter and the development guidelines contained in the *Development Guidelines Handbook*.
- (c) Contents of landscape plan. The landscape plan shall show the following information, provided that with prior approval of the zoning administrator, required contents of the landscape plan may be shown on the site plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

- (1) Location of all property lines, street right-of-way lines, easements, utilities, proposed buildings and structures, walkways, parking areas, vehicle circulation areas, loading areas, and ingress to and egress from the site;
- (2) All existing healthy trees and other significant vegetation on the site, provided that groups of trees may be outlined so long as all trees in excess of twenty (20) inches caliper are shown as individual specimens;
- (3) All trees and significant vegetation proposed to be removed, and all trees and significant vegetation proposed to be preserved, including the means of protecting such during construction in accordance with guidelines contained in the *Development Guidelines Handbook*;
- (4) The means of satisfying all applicable requirements of this article for tree planting, landscaping, treatment of setbacks, buffers, and screening, including a schedule of plant materials and including all structural material to be installed and all vegetative material to be planted with its location, species, size at planting, spacing where applicable, and typical planting detail;
- (5) The location and general character of any freestanding signs, fences, walls, retaining walls, berms, storm water retention and other man-made features in close proximity to trees to be preserved or planted and other significant landscaping features;
- (6) Existing topography and final grading in accordance with specifications required for site plan submission;
- (7) Any additional information deemed necessary by the zoning administrator to determine compliance with the requirements of this article or other related provisions of this chapter.

Sec. 21-232. Tree preservation and planting.

- (a) *Applicability.* The tree preservation and tree planting requirements set forth in this section shall apply to all uses in all districts, except that the requirements shall not apply to single-family detached dwellings or to farmland, designated wetlands, dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature. In the case of development existing at the effective date of these provisions, the requirements of this section shall apply when there is a change in use of the property, or where the main building on the property is enlarged by a cumulative total of more than ten (10) percent of the gross floor area of the original building, or more than one thousand (1,000) square feet, whichever is less.

- (b) Tree coverage requirements. Existing trees shall be preserved or additional trees shall be planted on each lot, and shall be of such species, size and number as to provide an estimated canopy with twenty (20) years after approval of the landscape plan of not less than the following:
- (1) Lots in RR-1, R-1, R-2, R-3, R-4, RO-1 and PMH Districts: twenty (20) percent of the lot area; except that lots devoted to office use in the RO-1 District: ten (10) percent of the lot area;
 - (2) Lots in R-5 and PUD Districts: fifteen (15) percent of the lot area;
 - (3) Lots in B-1, B-2, M-1, PSC and POB Districts: ten (10) percent of the lot area.
- (c) Credit for preservation of existing trees. Healthy existing trees must be preserved to the extent possible as determined by the zoning administrator. Existing trees on the lot shall be credited toward the tree coverage requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the *Development Guidelines Handbook* or additional supporting data submitted with the landscape plan.
- (d) Location of trees. Trees to be credited toward the tree coverage requirement may be located anywhere on a lot, provided such trees are reasonably dispersed throughout portions of the lot not covered by buildings or paved areas. Existing trees to be preserved and trees to be planted to satisfy parking lot landscaping requirements and street tree requirements of this article shall be credited toward the tree coverage requirement, except that existing trees within public rights-of-way shall not be so credited.
- (e) Minimum tree sizes. Trees to be credited toward the tree coverage requirement shall meet the following standards at the time of planting or, in the case of existing trees to be preserved, shall meet the following standards at the time of completion of development on the site:
- (1) Large deciduous trees: minimum two and one-half (2 ½) inches caliper;
 - (2) Small deciduous trees: minimum five (5) feet height;
 - (3) Evergreen trees: minimum five (5) feet height.
 - (4) Each type of tree chosen must provide a canopy of at least two hundred and fifty (250) square feet after twenty (20) years.
- (f) Determining projected tree coverage, acceptable species and other standards. Projected tree coverage, acceptable species, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be determined in accordance with the Tree Canopy Matrix and other material included in the *Development Guidelines Handbook*. Otherwise acceptable tree species or larger trees not shown on the Tree Canopy Matrix may be given credit toward the tree

coverage requirement when supporting data adequate to determine coverage is provided to and accepted by the zoning administrator.

Sec. 21-233. Landscape setbacks.

- (a) Landscaped setback required. A landscaped setback of not less than twenty (20) feet in depth measured from the existing or future right-of-way, whichever is greater, shall be provided along all streets, except that this requirement shall not be applicable to:
 - (1) Property located in the B-1 District (See article X of this chapter for setback and yard requirements in the B-1 District.); and
 - (2) Property devoted to single-family detached or two-family use (See setback and yard requirements in the district in which the use is located.)
- (b) Improvement of required landscaped setbacks. Required landscaped setbacks shall be landscaped with appropriate vegetative ground cover or shrubbery and shall be provided with street trees as specified in section 21-234 of this article. Existing healthy trees with a caliper of ten (10) inches or greater located within such setback shall be preserved unless preservation is not possible due to circumstances external to the site. Approved walkways and other incidental improvements for pedestrian use may be located within landscaped setbacks. (See the *Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.*)
- (c) Use of required landscaped setbacks. No building or structure, other than a permitted sign, and no parking, loading or vehicle circulation area, except approved means of ingress and egress, shall be located within any required landscaped setback. No required landscaped setback shall be used for the display or storage of items for sale or for any similar activity.

Sec. 21-234. Street trees.

- (a) Required street trees. Street trees as specified in this section shall be preserved or planted along all streets, except that this requirement shall not be applicable to single-family detached dwellings on existing lots of record. In the case of development existing at the effective date of these provisions, the requirements of this section shall apply when there is a change in use or the property, or where the main building on the property is enlarged by a cumulative total of more than ten (10) percent of the gross floor area of the original building, or more than one thousand (1,000) square feet of floor area, whichever is less. (See section 17-35 of chapter 17, *Subdivision of Land, for street tree requirement in single-family subdivisions.*)

- (b) Number of street trees required. Street trees shall be provided at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of street frontage. In addition thereto, median strips within a development shall be provided with street trees at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of such median. It is not the intent of this provision to require that street trees be provided with specific or uniform spacing, but that they be distributed throughout permitted locations with consideration for the species of trees, and the locations of driveways, other landscaping and topographic features, signs, easements and utilities, in accordance with guidelines contained in the *Development Guidelines Handbook*.
- (c) Location of trees. Trees to be credited toward the street tree requirement shall be located within the required landscaped setback as set forth in section 21-233 of this article, provided that street trees may be located within the street right-of-way when in accordance with the guidelines contained in the *Development Guidelines Handbook*. In any case where a landscaped setback is not required by section 21-233, required street trees may be located within the street right-of-way or on the lot and within ten (10) feet of the street line.
- (d) Minimum tree sizes. Trees to be credited toward the street tree requirement shall be deciduous trees having a caliper of not less than two and one-half (2½) inches at the time of planting or, in the case of existing trees to be preserved, at the time of completion of development on the site.
- (e) Credit for preservation of existing trees. Healthy existing trees to be preserved shall be credited toward the street tree requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the *Development Guidelines Handbook* or additional supporting data submitted with the landscape plan.
- (f) Acceptable species, spacing of trees and other standards. Acceptable species, spacing of trees, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be as specified in the *Development Guidelines Handbook*.

Sec. 21-235. Parking area landscaping.

- (a) Applicability. The requirements of this section shall be applicable to all off-street parking areas exceeding forty-five hundred (4,500) square feet in area. For purposes of this section, the area of an off-street parking area shall be construed to be that portion of a lot which is paved or otherwise improved for the purpose of parking vehicles, including all parking spaces, access aisles, driveways, loading space and vehicle stacking areas and maneuvering space. (See the *Development Guidelines Handbook for illustrative examples of application of the requirements of this section.*)
- (b) Existing parking areas. In the case of parking areas existing at the effective date of these provisions, the requirements of this section shall apply when a previously unpaved parking area is paved or when a parking area is reconstructed by removal of existing improvements and replacement thereof. In the case of expansion of any parking area existing at the effective date of these provisions by a cumulative total of more than two thousand (2,000) square feet, the requirements of this section shall apply to the area of expansion, provided that internal landscaping and trees required for the expanded area may be dispersed throughout the entire parking area. In any case where an existing parking area is expanded by a cumulative total of greater than fifty (50) percent of its original area, the requirements of this section shall apply to the entire parking area.
- (c) Required internal landscaping. Not less than five (5) percent of the parking area shall be devoted to landscaped islands or other internal landscaping. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area greater than five (5) percent of the parking area, the higher percentage shall apply. When landscaped islands located in accordance with the requirements of paragraph (d) of this section result in an area less than five (5) percent of the parking area, any landscaped area located within the front yard of the lot and in excess of the minimum required landscaped setback or minimum required peripheral landscaping may be credited toward the internal landscaping requirement. All areas to be credited toward the internal landscaping requirement shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to such landscaping.
- (d) Landscaped islands. Landscaped islands meeting the standards of this section shall be located within parking areas so that not more than ten (10) parking spaces are situated in a single continuous row, except as provided in paragraph (1) below, and so that each end of each row of parking spaces is separated from adjacent access aisles and driveways by a landscaped island. The following standards shall be applicable to landscaped islands:
- (1) Size of landscaped islands. Landscaped islands shall be not less than nine (9) feet in width as measured between the outside faces of curbs or other features that define the landscaped island if curbs

are not provided, and shall be not less than the length of the abutting parking spaces. When landscaped islands of not less than fifteen (15) feet in width are provided, such islands may be located so that not more than fifteen (15) parking spaces are situated in a single continuous row. In the case of landscaped islands having irregular width, the width shall be measured at each point where a tree is to be located within the island.

- (2) *Improvement of landscaped islands.* Each landscaped island shall be planted with at least one (1) deciduous tree having a caliper of not less than two and one-half (2½) inches at the time of planting. The type of deciduous tree that should be used can be located on the tree canopy matrix and would consist of those trees that fall under the “shade and parking lot” use category. The appropriate quantity and type of tree shall be approved by the Zoning Administrator. The island shall also include shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain pedestrian walkways incidental to landscaping. Healthy existing trees to be preserved shall be credited toward the tree requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the *Development Guidelines Handbook* or additional supporting data submitted with the landscape plan. Required landscaped islands shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.
- (3) *Areas to be credited as landscaped islands.* Landscaped islands shall include areas that meet the requirements of this section and are situated in any of the following manners:
- a. Within an otherwise continuous row of parking spaces so as to provide separation between such spaces;
 - b. At the end of a row of parking spaces so as to provide separation between such spaces and an access aisle or driveway;
 - c. Between opposing rows of parking spaces, or between a row of parking spaces and an access aisle or driveway; or
 - d. At the end of a row of parking spaces so as to provide a landscaped corner between rows of parking spaces that are arranged at an angle to one another.
- (e) *Peripheral landscaping.* Landscaped areas of not less than five (5) feet in width shall be provided so as to separate off-street parking areas from abutting property, except that this requirement shall not apply where buffer or screening requirements set forth in section 21-236 of this article

impose a greater standard, or along a mutual lot line that is subject to a recorded cross-easement enabling vehicle access between abutting lots. Peripheral landscaping shall consist of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain walkways incidental to such landscaping and providing pedestrian access between abutting properties. Peripheral landscaping shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.

Sec. 21-236. Buffers, screening and location of certain outside facilities.

- (a) Buffer and screening on lots adjoining property in RR-1 and residential districts. Where a lot in any business, commercial, industrial or planned development district identified in the table below is adjoining property in an RR-1 or residential district, a continuous buffer not less than the width specified in such table shall be provided on the lot in the business, commercial, industrial or planned development district.

B-1 and B-4 Districts: fifteen (15) feet

B-2 District: twenty-five (25) feet

M-1, PMH, PSC and POB Districts: fifty (50) feet

- (1) Applicability and meaning of adjoining property. For purposes of this section, adjoining property shall include property that is contiguous and property that is situated across an alley from the side or rear of a lot, provided that in the case of a planned development district, adjoining property shall include property across a street. Where property in an RR-1 or residential district is situated across an alley from the rear of a lot in a business, commercial or industrial district, screening as required by paragraph (3) this section shall be provided, and no buffer shall be required.
- (2) Uses prohibited in buffers: required screening. No building, structure, parking, loading, vehicle circulation or outside storage or service area shall be located within a required buffer, provided that in planned development districts a buffer along a street may contain permitted signs and approved means of ingress to and egress from a site. All required buffers shall contain visual screening meeting the standards of paragraph (3) of this section.
- (3) Exception to buffer requirements. The Town Council may, after receiving a recommendation from the Planning Commission, and after giving public notice and holding a public hearing as required by title 15.2 of the code of Virginia, 1950, as amended, grant an exception to the buffer requirement in a specific case if the adjoining property is designated in the future land use plan for commercial, industrial or office-business use.

- (b) Screening of parking areas. Screening which meets the standards of paragraph (e) of this section shall be provided on any lot where an off-street parking area for five (5) or more vehicles is located closer than fifty (50) feet to a lot in an RR-1 or residential district, or to any other lot on which a dwelling use exists as a conforming use under the provisions of this chapter, and where such parking area is not otherwise entirely screened from view from first floor windows of an existing or potential dwelling on the adjoining lot.
- (c) Location and screening of loading, trash collection and service areas. Areas for loading and unloading commercial vehicles, facilities for trash collection and similar outside service areas shall not be located in any front yard in any district. Such areas and facilities may be provided to the side or rear of buildings when located or screened in accordance with the standards set forth in paragraph (3) of this section so as not to be visible from any street or adjoining property in an RR-1 or residential district.
- (d) Location and screening of outside storage areas. In business, commercial, industrial and planned development districts, outside storage of equipment, materials, supplies or products, when permitted by the use regulations in the district, shall not be located in any minimum required front yard. Such outside storage may be provided to the side or rear of buildings when located or screened in accordance with the standards set forth in paragraph (e) of this section so as not to be visible from any street or any adjoining property.
- (e) Screening standards. Wherever screening is required by this section it shall be a continuous visual screen not less than six (6) feet in height consisting of a structural fence or wall or evergreen vegetative material, or combinations thereof, provided that:
- (1) No chain link, wire mesh, barbed wire or similar material shall be installed at any location visible from a street or adjoining property in an RR-1 or residential district;
 - (2) Earth berms with slopes no greater than three (3) feet horizontal for each one (1) foot vertical may be used in conjunction with fences, walls or vegetative material to achieve the required screening height;
 - (3) Structural or planted material may be reduced or deleted where a buffer area is maintained in a natural state, or is supplemented with additional planting, and provides the required continuous visual screening;

- (4) In addition to meeting the standards of this section, screening shall be consistent with guidelines set forth in the *Development Guidelines Handbook*.

Sec. 21-237. Visibility at intersections.

The location of all trees to be planted and all landscaping, buffers and screening required by this article shall comply with the provisions of section 21-258 of this chapter pertaining to visibility at intersection.

Sec. 21-238. Maintenance and replacement of required landscaping.

All required landscaping, trees, buffers and screening shall be maintained and replaced or supplemented as necessary to continue to comply with the standards set forth in this article. All structural features installed to satisfy the requirements of this article shall be maintained, repaired, replaced, painted or otherwise enhanced as necessary to continue to perform the function for which they are intended.

Sec. 21-239 Reserved.

A. References and other amendments in District Regulations: Articles III through XVI

1. In "Utilities" paragraph within Use Regulations in all districts, strike requirement for underground utilities, and replace with the following reference at the end of the paragraph:

See article XXII of this chapter for underground utility requirements.

2. To provide references to landscape plan and landscaping requirements, add new section as follows in:

RR-1 District as 21-30;

R-1 District 21-38;

R-2 District 21-46;

R-3 District as 21-54;

RO-1 District as 21-82.1;

HE District as 21-133.2.

Sec. 21-30. Landscape plan: landscaping, trees, buffers and screening. (typical)

A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

3. For uniform references to landscape plan and landscaping requirements, repeal existing section entitled "Landscaping plan required" and replace with the following in:

R-4 District 21-65;

R-5 District 21-77;

B-1 District 21-99.1;

B-2 District 21-109;

B-4 District 21-117;

M-1 District 21-125.2;

PUD District 21-153;

PMH District 21-168;

PSC District 21-175 (& retain 2% landscaping provision)

Sec. 21-65. Landscape plan: landscaping, trees, buffers, and screening. (typical)

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

4. For reference to site plan requirements, add new section as follows in:

RR-1 District as 21-29.1;

R-1 District as 21-37.1;

R-2 District as 21-45.1;

R-3 District as 21-53.1;

Sec. 21-29.1 Site plan required. (typical)

A site plan shall be required as set forth in article XVII of this chapter.

5. For uniform references to site requirements, modify existing section entitled "Site plan required" and replace with the following in:

R-4 District 21-66;

R-5 District 21-78;

B-1 District 21-99;

B-2 District 21-108;

B-4 District 21-117.1;

M-1 District 21-125.1;

Sec. 21-66. Site plan required. (typical)

A site plan shall be required as set forth in article XVII of this chapter.

6. Repeal the following sections pertaining to buffer and screening requirements adjacent to residential districts (to reflect that the requirements are covered in new Article XXII):

B-1 District: Sec. 21-99.2;

B-2 District: Sec. 21-109.1;

B-4 District: Sec. 21-117.2;

M-1 District: 21-125.3;

POB District: 21-179.9 (d).

7. In B-1 District, add the following:

Sec. 21-94.1 Setback regulations.

There shall be no setback requirement for buildings and structures, provided that no parking area or other area for circulation of vehicles shall be located between the main building on the lot and the street, nor shall any such area be located any closer to the street than the main building. Parking areas shall be located to the side or rear of buildings, and shall be provided with a landscaped setback of not less than five (5) feet, which shall be improved and used in accordance with the provisions of section 21-233 (b) and (c) and section 21-234 of this chapter. (See the *Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.*)

New buildings or structures built in the B-1 District and adjacent to a building that is of significant historical character in the historic district must be setback the average of the two adjacent structures on either side unless waived by the zoning administrator.

8. In B-1 District, add the following:

Sec. 21-96. Driveways.

No driveway intersecting a street that constitutes the principal frontage of the lot shall be permitted when other street frontage or alley access is available to serve the lot.

9. In B-2 District, modify setback regulations to read as follows:

Sec. 21-104. Setback regulations.

The minimum setback shall be fifty (50) feet, provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback of not less than thirty (30) feet may be provided for such building, and provided further that no building shall be required to have a setback greater than the average of the setbacks of existing buildings on each side of the lot. In no case shall fuel pump islands or canopies be provided with a setback of less than twenty-five (25) feet. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)

10. In B-4 District, modify setback regulations to read as follows.

Sec. 21-114. Setback regulations.

The minimum setback shall be fifty (50) feet, provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback or not less than thirty (30) feet may be provided. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)

11. In M-1 District, modify setback regulations to read as follows:

Sec. 21-122. Setback regulations.

The minimum setback shall be fifty (50) feet, provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback or not less than thirty (30) feet may be provided. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)

12. In POB District, make the following changes to reflect that most POB standards are included in new Article XXIII, and apply throughout the zoning districts:

Sec. 21-179.7. Setback and yard requirements.

(in paragraphs (b) and (c) change references to read: section 21-236 of this chapter)

Sec. 21-179.9. Development standards.

(delete paragraphs (b), (c), (d), (g), (h), (i), and (j); renumber the remaining, and revise introductory statement as follows:)

The following development standards shall be applicable in the POB District in addition to the requirements for landscaping, trees, buffers and screening set forth in article XXIII of this chapter and other requirements set forth elsewhere in this chapter.

- (a) *Open space.* Not less than twenty (20) percent of each lot shall be devoted to open space as defined in article I. Required open space may include areas devoted to landscaped yards and setbacks and other open spaces, but shall not include areas devoted to required perimeter buffers.

Minimum required open space may be reduced to ten (10) percent of the lot when such area contains mature healthy trees, is left in a natural state except for selective thinning, and is located adjacent to a public street so as to provide a natural wooded buffer.

The Town Council may, at the time of approval of the development plan for a POB District, reduce this buffer requirement in a specific case if the contiguous property zoned RR-1 or residential is designated in the future land use plan for commercial, industrial or office-business use. (12-15-1998)

- (b) *Landscape plan.* A landscape plan as required by article XXIII of this chapter shall be submitted with the final site plan for each stage of development in a POB District and shall show the manner in which the landscaping, screening, tree preservation and buffer requirements of this section will be met. Such plan shall identify specific means by which trees to be preserved shall be protected with barriers during construction in accordance with standards on file in the office of the zoning administrator. Such plan shall take into account and preserve the existing natural and scenic features such as wetlands or stands of mature trees and planned features such as the electric car line and the equestrian trail.

- (c) *Driveways.* The detailed location and design of driveways shall be approved in conjunction with final site plans and in accordance with design standards

and policies of the town. The number of driveways from public streets shall be the minimum necessary to provide safe and efficient ingress and egress, and where multiple driveways are necessary to serve a site, they shall be located as far apart as practicable. Wherever possible, internal streets or service roads providing access to individual development sites and joint driveways serving abutting properties shall be utilized.

- (d) *Signs.* Signs shall be permitted as in the M-1 Limited Industrial District and set forth in section 21-211 of this chapter, provided that business/identification signs shall not exceed six (6) feet in height. An overall signage program for each POB District shall be submitted prior to or at the time of submittal of final plans.

(12-12-95, § 1)

B. Article XVII, Site Plan Requirements:

1. Replace current Sec. 21-181(a) to read as follows:

- (a) A site plan is required and shall be submitted for all of the following, except as provided in subsection (b) below:
- (1) All development in all districts, except a single-family detached dwelling on an individual lot and its accessory structures;
 - (2) All development requiring a site plan as a component of the plan of development process under the provisions of sections 4.1-211 or 4.1-406 of chapter 4.1 the Town code pertaining to Environmental Protection.

2. Revise Sec. 21-181(b) (2) to read as follows:

- (2) Additions to existing buildings when such additions do not exceed a cumulative total of ten (10) percent of the gross floor area of the original building, or one thousand (1,000) square feet of floor area, whichever is less;

3. Revise Sec. 21-185 as follows:

Sec. 21-185. Specific information.

In addition to the information required by sections 21-183 and 21-184, a final site plan shall include a landscape plan as required by section 21-231 of this chapter, and shall contain the following specific information relative to on-site and off-site features:

4. Modify Sec. 21-185(3) as follows to require more information on site plans:

(3) Location, type, design and character, size and height of all fencing, screening and retaining walls, and all signs, whether freestanding or attached to buildings or other structures, and the location, type, intensity and means of shielding all on-site exterior lighting, including a photometric plan showing intensity and light throw pattern.

5. Modify Sec. 21-186, Improvements and standards, paragraph (f) to:

Change “AR-1” to “RR-1”

Change reference from “standards set forth in appendix 1 of chapter 17 to “guidelines in the *Development Guidelines Handbook*.”

- (f) Sidewalks and pedestrian trails shall be required to enable tenants to walk safely and conveniently from one building to another within the site and adjacent sites and along all public roads except single-family residential properties on dead-end roads or those zoned RR-1, Rural Residential. The sidewalks and pedestrian trails shall be installed in accordance with the sidewalk and pedestrian trail standards set forth in guidelines in the *Development Guideline Handbook* . The town council may waive this requirement only for conditions determined to be unique within the zoning district in which the property is located.

Unless waived by the town council, a pedestrian trail or trails, as required by the town manager, shall be constructed to provide residents and users of the development an opportunity to access adjoining roads, public facilities, or nearby commercial or industrial destinations without having to drive. Such trails shall be constructed by the developer and dedicated to the town unless waived by town council.

6. Add the following to Sec. 21-186, Improvements and standards:

- (i) Permanent markers shall be installed where property lines intersect public street or alley rights-of-way.

7. Add the following in Sec. 21-187, Procedures for processing site plans:

(m) A certificate of use and occupancy shall not be issued until the zoning administrator verifies that all improvements required by the approved site plan and landscape plan are completed, provided that in any case where lack of compliance with such plans is of a temporary nature due to weather or seasonal conditions and involves paving, tree planting, landscaping, buffers, screening or similar features, a temporary certificate of use and occupancy may be issued upon verification by the zoning administrator that security in the form of a cash or surety bond or letter of credit has been provided in a manner and amount satisfactory to guarantee the cost of completing such improvements. Such temporary certificate of use and occupancy shall specify the incomplete improvements and the period of time within which they are to be provided.

C. Article XIX, Off-Street Parking.

1. In Sec. 21-198(b), change as follows:

(b) *Types of surfaces.* Such off-street parking and loading facilities shall be asphalt, surface treatment, concrete, unit pavers or similar material approved by the zoning administrator, except for single-family detached or two-family detached dwellings which may be stone or gravel. Such off-street parking and loading facilities shall be maintained and continued as long as the principal use is continued.

2. Repeal current Sec. 21-201. Buffer required where adjoining property is residential. (Requirement is included in new Article XXIII, and replace with the following:

Sec. 21-201. Landscaping, trees, buffers and screening.

Landscaping, trees, buffers and screening within and adjacent to off-street parking areas shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

3. Repeal current Sec. 21-201.1 Lighting standards. (Requirement is included in new Article XXIII), and replace with the following:

Sec. 21-201.1. Lighting standards.

Parking areas shall be provided with adequate lighting during the non-daylight hours when they are in use. All lighting within and adjacent to parking areas shall comply with the applicable provisions of section 21-266 of this chapter.

D. Article XXII, Underground Utility Services.

All new customer utility services, including but not limited to, all wires, cables, pipes, conduits, and appurtenant equipment, carrying or used in connection with the furnishing of electric power, telephone, telegraph, cable television, petroleum, gas, stream, water or sewer systems, shall, after the effective date of this article, be placed below the surface of the ground, provided that:

E Article XXIV, Special Policy Area

The special policy area shall be shown on the official zoning map of the town.

Sec. 21-241. Landscaping, trees, buffers and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the requirements set forth in article XXIII of this chapter. Landscaped setbacks, street trees, landscaping and other features shall comply with the standards and guidelines contained in the *Development Guidelines Handbook* and as described therein for particular corridors within the special policy area.

Sec. 21-243. Driveways intersecting streets.

The detailed location and design of driveways intersecting streets shall be approved in conjunction with required site plans and shall be in accordance with the standards and policies of the town. The number of driveways intersecting streets shall be the minimum necessary to provide safe and efficient ingress to and egress from the site, and where multiple driveways are necessary to serve a site, they shall be located as far apart as practicable. Wherever possible, driveways shall align with median breaks, if such exist, and with other streets or driveways situated on the opposite side of the street from the site. Whenever possible, internal service roads or drives shall be installed providing access between individual development sites, and joint driveways shall be utilized. In the case of joint driveways and internal connections between individual development sites, cross-easements shall be recorded to ensure continued access, and evidence thereof shall be submitted with the site plan.

F. Article XXV. Supplemental Regulations.

Modify existing section 21-266 as follows:

Sec. 21-266. General lighting standards.

The following general standards shall apply to all outdoor lighting provided for uses that are subject to the site plan requirements of article XVII of this chapter. In addition to the following, all outdoor lighting shall comply with the standards and guidelines contained in the *Development Guidelines Handbook*. Lighting standards shall be indicated on all site plans in sufficient detail to determine compliance with the provisions of this section. (See article XX for sign lighting provisions.)

- (a) *Light to be confined to the premises.* All lighting used to illuminate outdoor areas shall be located, directed or shielded so as not to shine directly or create glare on adjacent properties or streets, and so as to confine all direct light rays entirely within the boundaries of the property on which they are located. All lighting visible from streets and from properties in RR-1 and residential districts shall be of a sharp cut-off design in a fixed position which orients the light downward and prevents glare, and all lighting of parking areas and drives shall be confined within such areas. Lighting of outdoor features from below shall be provided with deflector shields to accomplish the intent of these provisions.
- (b) *Lighting intensity and fixture height.* The intensity of outdoor lighting shall be no greater than shown on the approved site plan, and in no case greater than one-half (1/2) footcandles above background lighting at the property line. Outdoor lighting fixtures shall not exceed twenty (20) feet in height.
- (c) *Reduction to minimum level necessary for security.* All exterior lighting shall be reduced to the minimum level of intensity necessary for security purposes during the non-business hours of all business and industrial uses.

**AMENDMENTS TO SUBDIVISION ORDINANCE TO COMPLIMENT ZONING
ORDINANCE AMENDMENTS**

Article III, Standards of Design, in Division 6, Streets:

Sec. 17-49.1. Sidewalks, pedestrian trails.

(In paragraph (a) change reference from “town standards” to “standards and guidelines contained in the Development Guidelines Handbook.”

(a) Sidewalks shall be required along all public roads except for those roads with adjacent properties zoned RR-1 (Rural Residential.) The sidewalks shall be installed in accordance with the standards and guidelines contained in the Development Guidelines Handbook.

Modify Sec. 17-55.1 to read as follows:

Sec. 17-55.1 Street lights.

Street lights shall be installed at the intersections of all public streets and at intervals along public streets within subdivisions in accordance with the standards and guidelines contained in the *Development Guidelines Handbook*.

Add the following sections:

Sec. 17-55.2. Street trees.

Street trees shall be provided within all street rights-of-way in all subdivisions in accordance with the standards set forth in section 21-234 of chapter 21, Zoning.

Sec. 17-55.3. Underground utility services.

All utilities shall be installed underground in accordance with the provisions of article XXII of chapter 21, Zoning of the town code.

Article XX. Signs.

Sec. 21-207.1. General provisions.

- (a) Definitions. Definitions of the various types of signs are set forth in section 21-3 of this chapter.
- (b) Calculation of sign area. For the purpose of calculating permitted sign area, the sign area or gross sign area shall be construed as the smallest individual rectangle, triangle or circle or combination of not more than two (2) such figures which will encompass all elements of the sign, provided that in the case of a freestanding sign, such figures need not be contiguous, and poles, posts and similar supporting elements not a part of the sign shall not be included in calculation of sign area. The area of a double-faced sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two (2) faces does not exceed thirty (30) degrees. In the case of a monument type sign, a supporting structure not exceeding fifty (50) percent of the area of the sign shall be permitted and excluded from calculation of the area of the sign.
- (c) Requirements for certain signs. Unless stated otherwise in the district sign regulations, the following limitations and requirements shall apply:
- (1) Attached Signs. The total area of attached signs located on a lot shall not exceed one and one-half (1 ½) square feet of sign area for each linear foot of main building frontage, not to exceed one hundred and twenty (120) square feet, and such signs may be located on the main building or other structure on the lot. On a corner lot, the permitted sign area shall apply to each street frontage.
 - (2) A-frame signs. No a-frame sign shall be permitted to exceed two (2) feet in width and three (3) feet in height. Each side must be at least one (1) inch in thickness. It shall only be located in the B-1 District. All A-frame signs must be located within four (4) feet from the entrance of the business. In instances where the business entrance does not front the public street it may be located not more than four (4) feet from the edge of the main building. If the sidewalk or pedestrian path is at least sixty (60) feet wide, an A-frame sign may be placed on the sidewalk, provided that the prior written approval of the Town Manager has been obtained. The written approval shall specify the size and design, content, and exact location of the A-frame sign and the period of time for which such sign is authorized to be placed within the sidewalk area. The A-frame sign must be placed to allow a minimum of thirty-six (36) inches of space for an individual in a wheelchair to pass. A-frame signs must be professional quality and of acceptable materials as approved by the zoning administrator and meet all rules and regulations as specified in the zoning ordinance and comply with the standards and guidelines set forth in the Development Guidelines Handbook. One A-frame sign per business is allowed

provided that there is no freestanding sign on the lot. All A-frame signs must have the business name permanently affixed. A-frame signs may also contain a chalkboard or marker board. The Town Manager may require such indemnification from the property owner as is approved by the Town Attorney, and may revoke any encroachment authorization for any noncompliance with its terms or conditions.

- (3) Freestanding signs. No freestanding sign shall be located within ten (10) feet of any street line or other property line. In locating freestanding signs within setbacks, consideration of the location and character of street trees, landscaping features, utility lines, driveways and other features shall be afforded in accordance with guidelines contained in the *Development Guidelines Handbook*. Freestanding signs in the B-1 District shall have a maximum height of ten (10) feet and a maximum square footage of thirty (30) feet.
- (4) Church bulletin boards. Church bulletin boards shall not exceed twenty-four (24) square feet in area or eight (8) feet in height.
- (5) Directional signs. Directional signs shall not exceed four (4) square feet in area or five (5) feet in height, and shall not be located within ten (10) feet of any street line or other property line.
- (6) Fuel pump signs. Fuel pump signs shall not exceed two (2) square feet in area on each face of a fuel pump.
- (7) Gas station canopy signs. Gas station canopy signs shall be kept in scale with the building and not exceed the maximum height of the main structure unless approved by the zoning administrator. If a pitched roof is proposed, then the maximum height of the apex of the roof can be no higher than fifteen (15) feet.
- (8) Projecting signs. Projecting signs shall not exceed twenty-four (24) square feet in area; shall not exceed one-third (1/3) of the building height at its lowest point; shall not project from the building greater than ten (10) feet, or more than two (2) feet less than the width of any sidewalk over which such sign projects; and shall be provided with an underclearance of not less than twelve (12) feet.
- (9) Subdivision identification signs. One (1) subdivision identification sign may be located at each street entrance to a residential subdivision, provided that a total of not more than two (2) such signs shall be erected for a subdivision, and provided further that each such signs shall not exceed thirty-two (32) square feet in area or six (6) feet in height, and shall not be located within five (5) feet of any street line or other property line.
- (10) Temporary signs. (repeat all limitations from current definition in Sec. 21-207.1)

Sec. 21-3. Definitions.

Sign. A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof, including borders and trim which form an integral part of the display and which differentiate the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product or any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale.

Sign, "A" frame. A unique freestanding sign that resembles the letter "A." It must be of professional quality and should meet all rules and regulations as specified in the Development Guidelines Handbook and the zoning ordinance, including having a sign permit approved by the Town. It must be constructed of acceptable materials as approved by the zoning administrator. All A-frame signs must have the business name permanently affixed. A-frame signs may also contain a chalkboard or marker board.

Sign, attached. A sign which is painted on or attached flat against a wall, window or other vertical surface of a building or other structure, including the face of a porte-cochere, permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or structure wall above which they are located, and do not extend beyond the extremities of the roof surface.

Sign, billboard. A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity, interest or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

Sign, freestanding. A sign not attached to a building and supported by uprights, brackets, poles, posts, foundation or similar features which are anchored within the ground.

Sign, directional. A freestanding sign indicating the direction to which attention is called, and including the name and approximate location of the person or firm responsible for its erection.

Sign, fuel pump. A sign placed directly on, or attached to a fuel pump.

Sign, gas station canopy. A structure, preferably pitched in nature that provides shelter to those utilizing the pumps that are directly below it.

Sign, home occupation. A sign not exceeding the two (2) square feet in area attached to a building and identifying a home occupation located within such building.

Sign, mounted type. A freestanding sign, limited to no more than the permitted height, with a supporting structure that forms an integral part of the sign displayed thereon.

Sign, portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, signs converted to “A” or “T” frames; menu and sandwich board signs; balloons; umbrellas; used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business and is currently licensed by the State of Virginia with a valid inspection decal displayed.

Sign, projecting. A sign or marquee that is attached to and projects more than one (1) foot from the face of a wall, façade or porch of a structure so that the face of the sign is perpendicular or nearly perpendicular to such wall, façade or porch, except when on an awning or marquee.

Sign, shared. A freestanding sign that displays the name and/or use of two (2) or more uses or structures located on the same lot or on abutting lots. Such sign shall not be considered a billboard sign as defined herein.

Sign, temporary. A sign applying to seasonal or other brief activity, including but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

- (1) Political campaign signs announcing candidates seeking public political office or other data pertinent thereto;
- (2) Construction signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owners, contractor, architect, landscape architect or engineer;
- (3) Real estate signs pertaining to the offering for sale or lease of the land or structures on the land on which such sign is placed;
- (4) Yard sale signs announcing to the public the location of a temporary sale of various items of merchandise at a residence.

Sign, traffic control. A sign not exceeding twelve (12) square feet in area, containing no advertising matter, and indicating the direction that traffic on the premises is to be routed including but not limited to entrance and exit signs.

Sign, walkway. A sign attached to a ceiling or walkway covering outside the main entrance to a business in a shopping center, and containing the name of the business.

Modify the following district sign regulations as shown below:

Sec. 21-208 Signs permitted in the RR-1, R-1, R-2 and PMH Districts.

Church bulletin boards, subdivision identification signs, directional signs, traffic control signs and temporary signs are permitted in the RR-1, R-1, R-2 and PMH districts. One (1) of each such sign is permitted per lot, unless otherwise specified in this chapter, except that two (2) traffic control signs are permitted per lot.

Sec. 21-209. Signs permitted in the R-3, R-4 and R-5 Districts.

Attached signs with a gross sign area not exceeding twenty-four (24) square feet, freestanding signs with a gross sign area not exceeding thirty-two (32) square feet and a height not exceeding eight (8) feet, church bulletin boards, subdivision identification signs, directional signs, home occupation signs, traffic control signs and temporary signs are permitted in the R-3, R-4 and R-5 districts. Unless otherwise specified in this chapter, one (1) of each such sign is permitted per lot, except that two (2) traffic control signs are permitted per lot.

Sec. 21-209.1 Signs permitted in the RO-1 district.

Attached signs with a gross sign area not exceeding twelve (12) square feet, freestanding signs with a gross sign area not exceeding sixteen (16) square feet and a height not exceeding eight (8) feet, church bulletin boards, subdivision identification signs, temporary signs and home occupation signs. Unless otherwise specified in this chapter, one (1) of each such sign is permitted per lot, except that two (2) traffic control signs are permitted per lot. Signage may not be illuminated in any way.

Sec. 21-210. Signs permitted in the HE and PUD districts.

Attached signs with a gross sign area not exceeding twenty-four (24) square feet, freestanding signs with a gross sign area not exceeding twenty-four (24) square feet and not exceeding eight (8) feet in height, directional signs, traffic control signs and temporary signs are permitted in the HE and PUD districts. Unless otherwise specified in this chapter, one (1) of each such sign is permitted per lot, except that two (2) traffic control signs are permitted per lot.

Sec. 21-211. Signs permitted in the B-2, B-4, M-1 and PSC Districts.

- (a) Attached Signs:
- (b) Freestanding signs: one (1) freestanding sign, not exceeding sixty (60) square feet in area and not exceeding eighteen (18) feet in height, provided that a monument type freestanding sign not exceeding eight (8) feet in height may have an area not exceeding seventy-five (75) square feet. Freestanding signs shall have a setback of not less than ten (10) feet, provided that there shall be no setback requirement in the B-1 District.
- (c) Church bulletin boards.
- (d) Directional signs.
- (e) Fuel pump signs.
- (f) Projecting signs.
- (g) Temporary signs.
- (h) Shared signs: Two (2) or more abutting properties utilizing a common driveway are permitted one (1) such sign for each public street on which a shared/common entrance between the abutting parcels exists. The height of such sign shall not exceed eighteen (18) feet; and the area of such sign shall not exceed one hundred twenty (120) square feet. When shared signs are utilized, no other freestanding signs shall be permitted.
- (i) Traffic control signs.

Unless otherwise specified in this section or elsewhere in this chapter one (1) of each type of sign listed above is permitted per lot, except that two (2) traffic control signs are permitted per lot :

Sec. 21-211.1 Signs permitted in the B-1 district.

- (a) Attached Signs
- (b) Freestanding signs: one (1) freestanding sign, not exceeding thirty (30) square feet in area and not exceeding ten (10) feet in height. There shall be no setback requirement in the B-1 District.
- (c) Church bulletin boards.
- (d) Directional signs.
- (e) Fuel pump signs.
- (f) Projecting signs.
- (g) Temporary signs.
- (h) Shared signs: Two (2) or more abutting properties utilizing a common driveway are permitted one (1) such sign for each public street on which a shared/common entrance between the abutting parcels exists. The height of such sign shall not exceed eighteen (18) feet; and the area of such sign shall not exceed one hundred twenty (120) square feet. When shared signs are utilized, no other freestanding signs shall be permitted.
- (i) Traffic control signs.
- (j) A-frame signs: A unique freestanding sign that resembles the letter "A."

Unless otherwise specified in this section or elsewhere in this chapter one (1) of each type of sign listed above is permitted per lot, except that two (2) traffic control signs are permitted per lot.

Sec. 21-212. Illuminated signs.

- (a) Illumination of signs. Unless otherwise specified by the provisions of this article, permitted signs may be illuminated, provided the source of illumination is not visible and exposed and that illumination is of such type and is located, directed or shielded so as not to shine directly on adjoining properties or streets, and provided further that illumination of signs is consistent with the standards and guidelines set forth in the Development Guidelines Handbook.
- (b) Interference with traffic. No sign shall be located, arranged, designed or illuminated in such a manner that it interferes with traffic by any of the following means: glare; confusion with a traffic control device by reason of its color, location, shape, or other characteristic; similarity to or confusion with official signs, traffic signals, warning lights or lighting on emergency vehicles, or any other
- (c) Flashing or intermittent messages. No sign having a conspicuous and intermittent variation in illumination or message shall be permitted, except a sign indicating time or temperature which changes its message not more than once every five (5) seconds.

Sec. 21-213.1 Nonconforming signs.

Delete paragraphs (d) and (e)

BE IT FURTHER ORDAINED by the Town Council that the revision to Chapter 21 of the Code of the Town of Ashland shall be effective as of February 17, 2004.

Introduced: June, 2003

Advertised:

Planning Commission: Herald Progress: November 3 and November 10, 2003
Town Council: Herald Progress: December 29, 2003 and January 5, 2004

Public Hearing:

Planning Commission: November 19, and December 17, 2003
Town Council: January 13, 2004, February 10, 2004, and February 17, 2004

Adopted: February 17, 2004

Effective: February 17, 2004